

03/27/00
jc685 U.S. PTO

3-28-00

A

Attorney's Docket No CARDIOBEAT-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: :
GEORGE MCBRIDE : Group Art Unit: Unknown
ROBERT ROYCE :
Serial No.: Not yet assigned : Examiner: Unknown
Filed: Herewith :

jc511 U.S. PTO
09/535186
03/27/00

Title: MEDICAL TESTING SYSTEM AND METHOD

Box Patent Application
Assistant Commissioner for Patents
Washington, D.C. 20231

NEW APPLICATION TRANSMITTAL

Transmitted herewith for filing is the patent application of Inventor(s):

GEORGE MCBRIDE, ROBERT ROYCE

For:

MEDICAL TESTING SYSTEM AND METHOD

1. Type of Application

This new application is for a(n)

- ☒ [X] Original (nonprovisional)
- ☐ [] Design
 - ☐ [] Plant
- ☐ [] Divisional
- ☐ [] Continuation
- ☐ [] Continuation-in-part (C-I-P)

2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. 119(e), 120, or 121)

- ☐ The new application being transmitted claims the benefit of prior U.S. application(s). **Enclosed are added pages for new application transmittal where benefit of prior U.S. application(s) claimed.**

3. **Papers Enclosed**

A. Required for filing date under 37 CFR § 1.53(b) (Regular) or 37 CFR § 1.153 (Design) Application

 30 Pages of specification, claims, and abstract

 10 Sheets of drawing

- ☐ The enclosed drawing(s) are photograph(s), and there is also attached a "Petition to Accept Photograph(s) as Drawing(s)." 37 CFR 1.84(b)
- ☐ formal
- ☒ informal

B. Other Papers Enclosed

 Pages of declaration and power of attorney

 Other

4. **Additional papers enclosed**

- ☐ Amendment to claims
- ☐ Cancel in this applications claims _____ before calculating the filing fee.
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims.)
- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement (37 CFR 1.98)
- ☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing" computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative

- ☐ Special Comments
☐ Other

5. Declaration or oath (including power of attorney)

- ☐ Enclosed
Executed by
☐ inventor(s).
☐ legal representative of inventor(s). (37 CFR 1.42 or 1.43)
☐ joint inventor or person showing a proprietary interest on behalf of
inventor who refused to sign or cannot be reached.
☐ This is the petition required by 37 CFR 1.47 and the
statement required by 37 CFR 1.47 is also attached. See
item 13 below for fee.
☒ Not enclosed.
☐ Application is made by a person authorized under 37 CFR 1.41(c)
on behalf of *all* the above named inventor(s).

6. Inventorship Statement

The inventorship for all the claims in this application are:

- ☒ The same.
☐ Not the same. An explanation, including the ownership of the various claims
at the time the last claimed invention was made,
☐ is submitted.
☐ will be submitted.

7. **Language**

☒ English

☐ Non-English

☐ The attached translation includes a statement that the translation is accurate. 37 CFR 1.52(d).

8. **Assignment**

☐ An assignment of the invention to [ASSIGNEE]

☐ is attached. A separate

☐ "Cover Sheet for Assignment Document Accompanying New Patent Application" or

☐ Form PTO 1595 is also attached.

☒ will follow.

9. **Certified Copy**

Certified copy(ies) of application(s)

Country	Appln. No.	Filed
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Country	Appln. No.	Filed
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Country	Appln. No.	Filed
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from which priority is claimed

☐ is (are) attached.

☐ will follow.

10. Fee Calculation (37 CFR 1.16)

A. Regular application

CLAIMS AS FILED					
	Number Filed	Number Extra		Rate	Basic fee 37 CFR 1.16(a) \$690.00
Total Claims (37 CFR 1.16(c))	20 - 20 =	0	x	\$18.00	\$00.00
Independent Claims (37 CFR 1.16(b))	1 - 3 =	0	x	\$78.00	\$0.00
Multiple dependent Claim(s), if any (37 CFR 1.16(d))	0		x	\$260.00	\$0.00

- ☐ Amendment canceling extra claims is enclosed.
☐ Amendment deleting multiple-dependencies is enclosed.
☐ Fee for extra claims is not being paid at this time.

Filing Fee Calculation \$690.00

- B. ☐ Design application (\$330.00 - 37 CFR 1.16(f))

Filing Fee Calculation \$_____

- ☐ Plant application (\$540.00 - 37 CFR 1.16(g))

Filing Fee Calculation \$_____

11. Small Entity Statement(s)

- ☐ Statement(s) that this is a filing by a small entity under 37 CFR 1.9 and 1.27 is (are) attached.

- ☐ Status as a small entity was claimed in prior application [NUMBER] filed on [DATE], from which benefit is being claimed for this application under:

35 U.S.C. ☐ 119(e),
 ☐ 120,
 ☐ 121,
 ☐ 365(c),

and which status as a small entity is still proper and desired.

- ☐ A copy of the statement in the prior application is included.

Filing Fee Calculation (50% of A, B or C above)

12. Request for International-Type Search (37 CFR 1.104(d))

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment Being Made at this Time

- ☒ Not Enclosed
☐ No filing fee is to be paid at this time.

☐ Enclosed

<input type="checkbox"/> Filing fee	\$345.00
<input type="checkbox"/> Recording assignment (\$40.00; 37 CFR 1.21(h)) (See attached "COVER SHEET FOR ASSIGNMENT ACCOMPANYING NEW APPLICATION".)	\$0.00
<input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 CFR 1.47 and 1.17(i))	\$0.00
<input type="checkbox"/> For processing an application with a specification in a non-English language (\$130.00; 37 CFR 1.52(d) and 1.17(k))	\$0.00
<input type="checkbox"/> Processing and retention fee (\$130.00; 37 CFR 1.53(d) and 1.21(i))	\$0.00
<input type="checkbox"/> Fee for international-type search report (\$40.00; 37 CFR 1.21(e))	\$0.00

Total fees enclosed

\$00.00

14. Method of Payment of Fees

☐ Check in the amount of \$345.00

☐ Charge Account No. in the amount of \$ _____

A duplicate of this transmittal is attached.

15. Authorization to Charge Additional Fees

☐ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No.:

☐ 37 CFR 1.16(a), (f) or (g) (filing fees)

☐ 37 CFR 1.16(b), (c) or (d) (presentation of extra claims)

☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)

☐ 37 CFR 1.17(a)(1)-(5) (extension fees pursuant to 1.136(a))

☐ 37 CFR 1.17 (application processing fees)

☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance pursuant to 37 CFR 1.311(b))

16. Instructions as to Overpayment

☐ Credit Account No.

☒ Refund

Incorporation by Reference of Added Pages

☐ Plus Added Pages for New Application Transmittal Where Benefit of Prior U.S. Application(s) Claimed

Number of pages added: NONE

☐ Plus Added Pages for Papers Referred to in Item 4 Above

Number of pages added _____

- ☐ Plus Added Pages Deleting Name(s) of Inventor(s) Named in Prior Application(s) Who is/are No Longer Inventor(s) of the Subject Matter Claimed in this Application

Number of pages added _____

- ☐ Plus "Assignment Cover Letter Accompanying New Application"

Number of pages added _____

Statement Where no Further Pages Added

- ☒ This transmittal ends with this page.

Respectfully submitted,

DONALD J. LENKSZUS, P.C.

Dated: March 27, 2000

By: 

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CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. 1.10.

I hereby certify that this document (and any as referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, mailing label No. **EK391322567US** on **March 27, 2000** and addressed to Box Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Donald J. Lenkszus, Reg. No. 28,096